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February 22, 2007

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit To Be Assigned

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/578,900; Filed: May 12, 2006
For: **2-Ethyl-4,6-Dimethyl-Phenyl-Substituted Spirocyclic Tetramic Acid Derivatives**
Inventors: FISCHER *et al.*
Our Ref: 2400.0410000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement under 37 C.F.R. § 1.97(b);
2. Form PTO/SB/08A seven (7) pages listing fifty-eight (58) cited documents (US1 - US2 and FP1 - FP56);
3. Form PTO/SB/08B three (3) pages listing twenty-four (24) cited documents (NPL1 - NPL 24);
4. Copies of eighty (80) references (documents FP1-FP56 and NPL1-NPL24); and
5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
February 22, 2007
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bryan L. Skelton
Attorney for Applicants
Registration No. 50,893

BLS/egw
Enclosure(s)

644546v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/578,900

(U.S. Nat'l Phase of Int'l App.
No. PCT/EP2004/012644)

Int'l Filing Date: November 9, 2004

For: **2-Ethyl-4,6-Dimethyl-Phenyl-
Substituted Spirocyclic Tetramic
Acid Derivatives**

Confirmation No.: 3603

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 2400.0410000/VLC/BLS

**Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP56** and **NPL1** to **NPL24** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, documents **US1** and **US2**, cited on the attached IDS Form, PTO/SB/08A, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1** to **FP6**, **FP8** to **FP20**, **FP22**, **FP23**, **FP25** to **FP56**, cited on Form PTO/SB/08A, and **NPL1**, cited on Form PTO/SB/08B.

Document **FP1**, DE 2 218 097, is in the German language. An English language abstract of document **FP1** is cited as document **NPL3** and submitted herewith.

Document **FP2**, DE 2 350 547, is in the German language. An English language abstract of document **FP2** is cited as document **NPL4** and submitted herewith.

Document **FP3**, EP 0 086 750 A2, is in the German language. An English language abstract of document FP3 is cited as document **NPL5** and submitted herewith.

Document **FP4**, EP 0 094 349 A2, is in the German language. An English language abstract of document FP4 is cited as document **NPL6** and submitted herewith.

Document **FP5**, EP 0 174 562 A2, is in the German language. An English language abstract of document FP5 is cited as document **NPL7** and submitted herewith.

Document **FP6**, EP 0 191 736 A2, is in the German language. An English language abstract of document FP6 is cited as document **NPL8** and submitted herewith.

Document **FP8**, EP 0 269 806 A1, is in the German language. An English language abstract of document FP8 is cited as document **NPL9** and submitted herewith.

Document **FP9**, EP 0 333 131 A1, is in the German language. An English language abstract of document FP9 is cited as document **NPL10** and submitted herewith.

Document **FP10**, EP 0 346 620 A1, is in the German language. An English language abstract of document FP10 is cited as document **NPL11** and submitted herewith.

Document **FP11**, EP 0 355 599 A1, is in the German language. An English language abstract of the document FP11 is cited as document **NPL13** and submitted herewith.

Document **FP12**, EP 0 377 893 A2, is in the German language. An English language abstract of document FP12 is cited as document as document **NPL12** and submitted herewith.

Document **FP13**, EP 0 415 211 A2, is in the German language. An English language abstract of the document FP13 is cited as document **NPL14** and submitted herewith.

Document **FP14**, WO 91/07874 A1, is in the German language. An English language abstract of the document FP14 can be found on the face page of the published patent application.

Document **FP15**, WO 91/08202 A1, is in the German language. An English language abstract of the document FP15 can be found on the face page of the published patent application.

Document **FP16**, EP 0 442 073 A2, is in the German language. An English language abstract of the document FP16 is cited as document **NPL15** and submitted herewith.

Document **FP17**, EP 0 442 077 A2, is in the German language. An English language abstract of the document FP17 is cited as document **NPL16** and submitted herewith.

Document **FP18**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP18 is cited as document **NPL17** and submitted herewith.

Document **FP19**, EP 0 492 366 A2, is in the German language. An English language abstract of document FP19 is cited as document **NPL18** and submitted herewith.

Document **FP22**, EP 0 582 198 A2, is in the German language. An English language abstract of document FP22 is cited as document **NPL19** and submitted herewith.

Document **FP25**, EP 0 613 884 A2, is in the German language. An English language abstract of document FP25 is cited as document **NPL20** and submitted herewith.

Document **FP26**, EP 0 613 885 A2, is in the German language. An English language abstract of document FP26 is cited as document **NPL21** and submitted herewith.

Document **FP27**, WO 94/29268 A1 is in the German language. An English language abstract of the document FP27 can be found on the face page of the published patent application.

Document **FP28** WO 95/01971 A1 is in the German language. An English language abstract of the document FP28 can be found on the face page of the published patent application.

Document **FP29**, WO 95/07897 A1, is in the German language. An English language abstract of the document FP29 can be found on the face page of the published patent application.

Document **FP30**, WO 95/20572 A1, is in the German language. An English language abstract of the document FP30 can be found on the face page of the published patent application.

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Document **FP32**, WO 95/26954 A1, is in the German language. An English language abstract of the document FP32 can be found on the face page of the published patent application.

Document **FP33**, WO 96/25395 A1, is in the German language. An English language abstract of the document FP33 can be found on the face page of the published patent application.

Document **FP34**, WO 96/35664 A1, is in the German language. An English language abstract of the document FP34 can be found on the face page of the published patent application.

Document **FP35**, WO 97/01535 A1, is in the German language. An English language abstract of the document FP35 can be found on the face page of the published patent application.

Document **FP36**, WO 97/02243 A1, is in the German language. An English language abstract of the document FP36 can be found on the face page of the published patent application.

Document **FP37**, WO 97/36868 A1, is in the German language. An English language abstract of document FP37 can be found on the face page of the published patent application.

Document **FP38**, WO 97/43275 A2, is in the German language. An English language abstract of the document FP38 can be found on the face page of the published patent application.

Document **FP39**, DE 196 21 522 A1, is in the German language. An English language abstract of the document FP39 is cited as document **NPL23** and submitted herewith.

Document **FP40**, WO 98/05638 A2, is in the German language. An English language abstract of the document FP40 can be found on the face page of the published patent application.

Document **FP41**, WO 98/06721 A1, is in the German language. An English language abstract of the document FP41 can be found on the face page of the published patent application.

Document **FP42**, WO 98/25928 A1, is in the German language. An English language abstract of the document FP42 can be found on the face page of the published patent application.

Document **FP43**, WO 99/16748 A1, is in the German language. An English language abstract of the document FP43 can be found on the face page of the published patent application.

Document **FP45**, WO 99/43649 A1, is in the German language. An English language abstract of the document FP45 can be found on the face page of the published patent application.

Document **FP46**, WO 99/48869 A1, is in the German language. An English language abstract of the document FP46 can be found on the face page of the published patent application.

Document **FP47**, WO 99/55673 A1, is in the German language. An English language abstract of the document FP47 can be found on the face page of the published patent application.

Document **FP48**, WO 99/66795 A1, is in the German language. An English language abstract of the document FP48 can be found on the face page of the published patent application.

Document **FP49**, WO 01/09092 A1, is in the German language. An English language abstract of the document FP49 can be found on the face page of the published patent application.

Document **FP50**, WO 01/17972 A2, is in the German language. An English language abstract of the document FP50 can be found on the face page of the published patent application.

Document **FP51**, WO 01/23354 A2, is in the German language. An English language abstract of the document FP51 can be found on the face page of the published patent application.

Document **FP56**, WO 03/013249 A1, is in the German language. An English language abstract of the document FP56 can be found on the face page of the published patent application.

Document **NPL1**, Schmierer, R. and Mildenerger, H., "Cyclisierung von *N*-Acylalanin- und *N*-Acylglycinestern," *Liebigs Ann. Chem.* 5:1095-1098, Verlag Chemie (1985), is in the German language. An English language abstract of the document NPL1 can be found on the face page of the article.

The documents **FP20**, **FP23**, **FP44**, **FP52** to **FP55**, were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. The search report is attached as document **NPL24** on the IDS Form, PTO/SB/08B. 1138 OG 37, 38.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

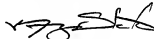
This Information Disclosure Statement is being filed before the mailing of the First Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bryan L. Skelton
Agent for Applicants
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Date: FEBRUARY 22, 2007

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595724v1

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| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-----------------------|---|-----------------------------|---|-----|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | † |
| | | Country Code ² Number ³ Kind Code ⁴ (if known) | | | |
| | FP1 | DE 2 218 097 | 11/02/1972 | Stauffer Chemical Co. | Abs |
| | FP2 | DE 2 350 547 | 04/25/1974 | Stauffer Chemical Co. | Abs |
| | FP3 | EP 0 086 750 A2 | 08/24/1983 | Ciba-Geigy AG | Abs |
| | FP4 | EP 0 094 349 A2 | 11/16/1983 | Ciba-Geigy AG | Abs |
| | FP5 | EP 0 174 562 A2 | 03/19/1986 | Hoechst Aktiengesellschaft | Abs |
| | FP6 | EP 0 191 736 A2 | 08/20/1986 | Ciba-Geigy AG | Abs |
| | FP7 | EP 0 262 399 A2 | 04/06/1988 | Takeda Chemicals Industries, Ltd. | |
| | FP8 | EP 0 269 806 A1 | 06/08/1988 | Hoechst Aktiengesellschaft | Abs |
| | FP9 | EP 0 333 131 A1 | 09/20/1989 | Hoechst Aktiengesellschaft | Abs |

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|-----------------------|----------------------------|--------------------|------------|
| Examiner Signature | /Valerie Rodriguez-garcia/ | Date Considered | 09/23/2008 |
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| Substitute for form 1449A/PTO | | | | | | <i>Complete if Known</i> | | | | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | | | Application Number | | 10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644) | | | |
| | | | | | | Int'l Filing Date | | November 9, 2004 | | | |
| | | | | | | First Named Inventor | | FISCHER, Reiner | | | |
| | | | | | | Art Unit | | <i>To Be Assigned</i> | | | |
| | | | | | | Examiner Name | | <i>To Be Assigned</i> | | | |
| | | | | | | Attorney Docket Number | | 2400.041000/VLC/BLS | | | |
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| Sheet | 3 | of | 7 | | | | | | | | |

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| Examiner Signature | /Valerie Rodriguez-garcia/ | Date Considered | 09/23/2008 |
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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Application Number | | 10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644) | |
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| | | | | Attorney Docket Number | | 2400.0410000/VLC/BLS | |
| Sheet | 4 | of | 7 | | | | |

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| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-----------------------|---|--------------------------------|--|-----|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code* Number* Kind Code* (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | † |
| | FP28 | WO 95/01971 A1 | 01/19/1995 | Bayer Aktiengesellschaft | Abs |
| | FP29 | WO 95/07897 A1 | 03/23/1995 | Hoechst Schering AgrEvo GmbH | Abs |
| | FP30 | WO 95/20572 A1 | 08/03/1995 | Bayer Aktiengesellschaft | Abs |
| | FP31 | EP 0 668 267 B1 | 08/23/1995 | Bayer AG | Abs |
| | FP32 | WO 95/26954 A1 | 10/12/1995 | Bayer Aktiengesellschaft | Abs |
| | FP33 | WO 96/25395 A1 | 08/22/1996 | Bayer Aktiengesellschaft | Abs |
| | FP34 | WO 96/35664 A1 | 11/14/1996 | Bayer Aktiengesellschaft | Abs |
| | FP35 | WO 97/01535 A1 | 01/16/1997 | Bayer Aktiengesellschaft | Abs |
| | FP36 | WO 97/02243 A1 | 01/23/1997 | Bayer Aktiengesellschaft | Abs |

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| Examiner Signature | /Valerie Rodriguez-garcia/ | Date Considered | 09/23/2008 |
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| | | | | Application Number | 10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644) |
| Int'l Filing Date | | November 9, 2004 | | | |
| First Named Inventor | | FISCHER, Reiner | | | |
| Art Unit | | To Be Assigned | | | |
| Examiner Name | | To Be Assigned | | | |
| Attorney Docket Number | | 2400.0410000/VLC/BL5 | | | |
| Sheet | 1 | of | 3 | | |

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| | NPL1 | Schmieder, R. and Mildenberger, H., "Cyclisierung von N-Acylalanin- und N-Acylglycinestern," <i>Liebigs Ann. Chem.</i> 5:1095-1098, Verlag Chemie (1985) | | Abs |
| | NPL2 | Suzuki, S., et al., "Studies on Antiviral Agents. IV. Biological Activity of Tenuazonic Acid Derivatives," <i>Chem. Pharm. Bull.</i> 15:1120-1122, Pharmaceutical Society of Japan (1967) | | |
| | NPL3 | Dialog File 351, Accession No. 502720, Derwent WPI English language abstract for DE 2 218 097 (listed on accompanying PTO/SB/08A as document FP1) | | |
| | NPL4 | Dialog File 351, Accession No. 629712, Derwent WPI English language abstract for DE 2 350 547 (listed on accompanying PTO/SB/08A as document FP2) | | |
| | NPL5 | Dialog File 351, Accession No. 2714950, Derwent WPI English language abstract for EP 0 086 750 A2 (listed on accompanying PTO/SB/08A as document FP3) | | |
| | NPL6 | Dialog File 351, Accession No. 2777922, Derwent WPI English language abstract for EP 0 094 349 A2 (listed on accompanying PTO/SB/08A as document FP4) | | |
| | NPL7 | Dialog File 351, Accession No. 3892231, Derwent WPI English language abstract for EP 0 174 562 A2 (listed on accompanying PTO/SB/08A as document FP5) | | |
| | NPL8 | Dialog File 351, Accession No. 3770049, Derwent WPI English language abstract for EP 0 191 736 A2 (listed on accompanying PTO/SB/08A as document FP6) | | |
| | NPL9 | Dialog File 351, Accession No. 4372286, Derwent WPI English language abstract for EP 0 269 806 A1 (listed on accompanying PTO/SB/08A as document FP8) | | |
| | NPL10 | Dialog File 351, Accession No. 4889149, Derwent WPI English language abstract for EP 0 333 131 A1 (listed on accompanying PTO/SB/08A as document FP9) | | |

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Application Number | 10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644) |
| | | | | Int'l Filing Date | November 9, 2004 |
| | | | | First Named Inventor | FISCHER, Reiner |
| | | | | Art Unit | To Be Assigned |
| | | | | Examiner Name | To Be Assigned |
| Sheet | 2 | of | 3 | Attorney Docket Number | 2400.0410000/VLC/BL5 |

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| | NPL14 | Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP13) | |
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| | NPL16 | Dialog File 351, Accession No. 5637204, Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP17) | |
| | NPL17 | Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP18) | |
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| | NPL19 | Dialog File 351, Accession No. 6665683, Derwent WPI English language abstract for EP 0 582 198 A2 (listed on accompanying PTO/SB/08A as document FP22) | |
| | NPL20 | Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP25) | |

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| | | | | Int'l Filing Date | November 9, 2004 |
| | | | | First Named Inventor | FISCHER, Reiner |
| | | | | Art Unit | To Be Assigned |
| | | | | Examiner Name | To Be Assigned |
| Sheet | 3 | of | 3 | Attorney Docket Number | 2400.0410000/VLC/BLS |

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| | NPL21 | Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP26) | |
| | NPL22 | Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 B1 (listed on accompanying PTO/SB/08A as document FP31) | |
| | NPL23 | Dialog File 351, Accession No. 9053979, Derwent WPI English language abstract for DE 196 21 522 A1 (listed on accompanying PTO/SB/08A as document FP39) | |
| | NPL24 | International Search Report for International Application No. PCT/EP2004/012644, European Patent Office, Netherlands, mailed on May 11, 2005 | |
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